Gundobad

(c. 452 – c. 516)

BRIEFING

Gundobad (Latin: *Flavius Gundobadus*; French: *Gondebaud, Gondovald*; c. 452 – 516) was King of the Burgundians (473–516), succeeding his father Gundioc of Burgundy. Previous to this, he had been a patrician of the moribund Western Roman Empire in 472–473, three years before its collapse, succeeding his uncle Ricimer. He is perhaps best known today as the probable issuer of the *Lex Burgundionum* legal codes, which synthesized Roman law with ancient Germanic customs. He was the husband of Caretene.

EARLY LIFE

Gundobad seized the title of Patrician when his uncle Ricimer, who had been the power behind the throne for the Western Empire, died on 18 August 472. According to John of Antioch, Gundobad had previously executed the deposed emperor Anthemius on his uncle's orders.

Once in power, Gundobad elevated the current *comes domesticorum*, Glycerius, to the position of Roman emperor in the West. However, not long after this, Gundobad left for Burgundy where his father, Gundioc, had died; the exact date is unclear, with authorities stating it was in either 473 or 474. Once in Burgundy, his three brothers presumably challenged his rule: Godegisel, Chilperic II and Godomar I. Ian Wood speculates that Gundobad's departure may have been connected with the arrival of a new emperor, Julius Nepos, who had the support of the Roman emperor in the East. Once Julius Nepos landed in Portus (June 474), he deposed Glycerius, whom he made Bishop of Salona.

REIGN

The events of the first decades of Gundobad's reign are not well known. The only available source that covers this part of his reign is Gregory of Tours, who wrote almost a century later. According to Gregory, Gundobad set about ridding himself of his brothers. First slain was Gundomar, though little is known of this encounter.

Next killed was Chilperic. According to Gregory, Gundobad had his wife drowned by tying a stone around her neck and Chilperic's two daughters driven into exile. The older daughter, Chroma, became a nun. The other, Clotilde, had been seen by envoys of Clovis I, King of the Franks, who told their master of her beauty and intelligence. Clovis then asked Gundobad for Clotilde's hand in marriage. Gundobad was said to have been afraid to deny him.

However, a letter written by Avitus, bishop of Vienne, consoling Gundobad on the death of a daughter whose name is not mentioned, gives details that suggest there was more to the story. According to the explication of Danuta Shanzer and Ian Wood of Avitus' notoriously difficult Latin, the bishop writes, "In the past, with ineffable tender-heartedness, you mourned the deaths of your brothers." Further, Avitus alludes to Gundobad's intent to marry his deceased daughter to a foreign ruler, who, they suggest, was Clovis: "Indeed," they write, "Clovis is really the only likely candidate as a prospective son-in-law for Gundobad shortly after 501." If their reading is correct, then it is likely that Clotilde was offered to Clovis as an act of diplomacy, not subservience.

At this point occurs the earliest firm date in Gundobad's reign: in the early months of 490, while Odoacer and Theodoric the Great were locked in battle over control of Pavia, the Burgundians seized the opportunity to invade northwestern Italy. They devastated Liguria, and carried away an unknown number of victims into captivity, if not slavery. Once Theodoric had killed Odoacer and was securely in control of Italy, he sent bishop Epiphanius of Pavia on a mission to ransom as many of these captives as possible. Accompanied by Bishop Victor of Turin, they crossed the Alps in March. Shanzer and Wood believe Epiphanius was possibly also entrusted with a mission in connection with the marriage of Gundobad's son Sigismund to Theodoric's daughter Ostrogotho.[9] In his account of this visit, Magnus Felix Ennodius, who accompanied Epiphanius on this journey, describes Godegisel as *germanus regis*, the "king's brother", and not king—again contradicting Gregory of Tours' later account. Ennodius notes that "more than six thousand souls" were so ransomed; from Lyons alone 400 men were thus freed.

Gregory of Tours states the battle with Gundobad's third brother, Godegisel, raged long. Unaware of the other's actions, each called upon Clovis trying to persuade him to join forces against the other. Clovis sided with Godegisel, who had offered him his pleasure of tribute; Wood observes that Clovis' wife, Clotilde, whose father had been killed by Gundobad, "was not likely to encourage good relations between the Franks and the Burgundians." Together they crushed Gundobad's force. Gundobad fled but King Clovis pursued him to Avignon. Gundobad feared the worst with Clovis's army at the gates. But Aridius went from Gundobad to Clovis and convinced him to spare Gundobad in return for a yearly tribute. The chronicler Marius of Avenches dates this conflict to 500.

Gundobad later broke his promise of tribute as he regained his power and besieged Godegisel, trapped in the city of Vienne. As famine devoured Vienne, Godegisel expelled the common people from the city for fear of his own survival. An outraged expelled artisan seeking vengeance on Godegisel went to Gundobad, and with his help he navigated the aqueduct and broke into the city. Gundobad murdered Godegisel in 501 in an Arian church along with the bishop.

BURGUNDIAN CIVIL WAR

The Burgundian Civil War was a military conflict between the Burgundian kings Gundobad and Godigisel. The war took place around 500 in the former Roman provinces Gallia Lugdunesis I and Maxima Sequanorum, where a Burgundian state had emerged after the Fall of the Western Roman Empire. The kings were brothers who both controlled a part. Besides the two brothers, the kings of the Franks and Visigoths were involved.

Sources

The story of this war is briefly described by the bishop of Tours Gregory in his *Historia Francorum*. This bishop wrote a history of the Franks in the second half of the 6th century, more than 75 years after the events took place. In his report the Burgundians as a neighboring people of the Franks are mentioned sideways - in a negative way. Thanks to this report, the course of the civil war can be reconstructed in broad outlines. However, Gregorius's account has the disadvantage that it contradicts other contemporary sources in some parts. The chronicle of Marius of Avenches, on the other hand, provides important additional information and dates the civil war to the year 500. In addition to Gregory of Tours and Marius of Avenches, the letters of Avitus of Vienne are also of importance for this history.

Background

The cause for this war must be sought in the succession problems after the death of Gundioc who, together with his brother Chilperic I had a power base in Gallia Lugdunensis I. Not Gundioc's sons, but Chilperik continued the kingship over the Burgundian people . The sons played a prominent role in the late Roman army. Of them, Gundobad in Italy reached the position of *magister militum praesentalis*, commander-in-chief of the army. Unfortunately is the story of Gregory of Tour's about the beginning of the events unreliable. With respect to Clovis he puts Gundobad in an evil light and blames him for the death of his brothers Gundomar and Chilperic II. Recent research believes that these two brothers had already been dead when Chilperic I died in 480 and Godegisel and Gundobad shared the rule. Political unrest and dissatisfaction with the territorial division may have been a powerful driver for rivalry between the remaining brothers and this eventually led to the conflict.

Course

Gundobad ruled most of the Burgundian territory with residences in Lyon and Vienne, while his brother Godegisel controlled a smaller area with the capital Geneva. According to Gregory of Tours, Godgisel was dissatisfied with this, and secretly asked the Frankish king Clovis for support against his more powerful brother. In return, he promised him estimates and transfer of territories in case of success. Together they plotted a plan to bring down Gundobad. In this plan, Godegisel remained friends with his brother so as not to arouse suspicion. In the course of 500, Clovis and his army attacked Gundobad on his territory, after which he turned to his brother for help and together the brothers marched against the invaders. However, when the three armies met near Dijon, the troops of Godigisel joined the army of the opponent and his brother had to defend himself alone.
In the battle the united armies defeated Gundobad, who fled to the far south of his empire, to Avignon. According to the chronicler Marius of Avenches, this battle took place at Dijon in the year 500. Godesel was satisfied with his success and considered himself the only king of the kingdom and went triumphantly to Vienne.

Despite the fact that they had reached the victory, the war had not yet been settled. Clovis marched alone to Avignon to capture Gundobad. The city was besieged for a long time until a Roman magistrate of the city and a general, Aridius, managed to convince Clovis that the city could not be taken. That is why Clovis reconciled with Gundobad left the kingdom after a conversation with Gundobad, who agreed to pay annual tribute.

Gundobad searched for a way to get rid of the unfavorable peace with Clovis and found it with the Aquitanian Goths who had been in war with the Franks three years earlier. With the Gothic *rex* Alarik II closed Gundobad in 501 an alliance. Assured of his support, he stopped paying the annual estimates and attacked his brother by besieging him in the city of Vienne. After the city capitulated, Gundobad executed Godegisel and many of his Burgundian followers, and thus re-established himself as the king of the Burgundians.

Aftereffects

As a thank you for his help, Gundobad donated Avignon to the Goths and sent him the Frankish prisoners of war. Alarik then visited Clovis near the village Amboise, where Alarik agreed to release the prisoners, while Clovis returned all the Gothic territory he still had in his hands. Although not handed down, Gundobad may also be involved in this peace, which lasted only a few years. In the Frankish-Gothic War witch broke out in 507, Gundobad was an ally of Clovis.

The next event about which information has survived is Gundobad's role concerning the Battle of Vouillé. He was one of several rulers to whom king Theoderic sent letters urging peace, and asking for mediation between Alaric II and Clovis. Despite Theoderic's best efforts, the two kings met at Vouillé, and Alaric was slain; according to Isidore of Seville, Gundobad supported Clovis in this battle. Isidore also provides a hint that Gundobad exploited the Visigothic defeat by plundering Narbonne. Delayed by the threat of the Byzantine navy, which had been hovering off the Italian shore around the time of the battle, the Ostrogothic army arrived to relieve the Burgundian siege of Arles. According to Herwig Wolfram, the Burgundians were "the real victims of the Ostrogothic counteroffensive" following the defeat of their cousins at Vouillé. "Not only had they lost all their conquered territories and hope of acquiring Arles and Avignon but all their territory as far as Orange had been devastated."

Following the death of King Clovis of the Franks in 511, the Burgundians became the most prestigious people in Gaul. Gundobad was favored by the court of Constantinople, which awarded him the title of *magister militum*.

Gundobad died peacefully, succeeded by his son Sigismund in 516. He also had another son, Godomar II, who would succeed his brother after his execution in 524.

LEX BURGUNDIONUM

The ***Lex Burgundionum*** (Latin for Burgundian Laws, also *Lex Gundobada*) refers to the law code of the Burgundians, probably issued by king Gundobad. It is influenced by Roman law and deals with domestic laws concerning marriage and inheritance as well as regulating weregild and other penalties. Interaction between Burgundians is treated separately from interaction between Burgundians and Gallo-Romans. The oldest of the 14 surviving manuscripts of the text dates to the 9th century, but the code's institution is ascribed to king Gundobad (died 516), with a possible revision by his successor Sigismund (died 523). The *Lex Romana Burgundionum* is a separate code, containing various laws taken from Roman sources, probably intended to apply to the Burgundians' Gallo-Roman subjects. The oldest copy of this text dates to the 7th century.

The *Lex Burgundionum* code was compiled by King Gundobad (474-516). Some *additamenta* were subsequently introduced, either by Gundobad himself or by his son Sigismund. This law bears the title of *Liber Constitutionum*, indicating that it emanated from the king; it is also known as the *Lex Gundobada* or *Lex Gombata*. It was used for cases between Burgundians, and was also applicable to cases between Burgundians and Romans. For cases between Romans, however, Gundobad compiled the *Lex Romana Burgundionum*, called sometimes, through a misreading of the manuscript, the *Liber Papiani*, or simply *Papianus*.

Background

The Burgundian kingdom is one of the early Germanic kingdoms that existed within the Roman Empire. In the late fifth and early sixth centuries, the Burgundian kings Gundobad and Sigismund compiled and codified laws to govern the members of their Barbarian tribe, as well as Romans living amongst them. Those laws governing the Burgundians themselves are called collectively the *Lex Burgundionum*, while the laws governing the Romans are known collectively as the *Lex Romana Burgundionum*. Both are extant. The laws codified in the Burgundian Code reflect the earliest fusion of German tribal culture with the Roman system of government. It promoted and helped maintain harmonious relations between such widely different people who had been previous enemies. More study has been given to other Germanic tribes of this time and little is known about the culture and way of life of the Burgundians beyond what can be inferred from their legal code. Katherine Fischer Drew claims that it is the most influential of all barbarian law codes because of its survival, even after Frankish conquest, until the ninth century.

The Romans consistently allied themselves with certain barbarian groups outside the Empire, playing them out against rival barbarian tribes as a policy of *divide and rule*, the barbarian allies being known as *foederati*. Sometimes these groups were allowed to live within the Empire. Barbarians could also be settled within the Empire as *dediticii* or *laeti*. The Romans could henceforth rely on these groups for military support or even as legionary recruits. One such group were the Burgundians, whom the Roman Emperor Honorius in 406 had invited to join the Roman Empire as foederati with a capital at Worms. The Burgundians were soon defeated by the Huns, but once again given land near Lake Geneva for Gundioc (r. 443-474) to establish a second federate kingdom within the Roman Empire in 443. This alliance was a contractual agreement between the two peoples. Gundioc's people were given one-third of Roman slaves and two-thirds of the land within Roman territory. The Burgundians were allowed to establish an independent federate kingdom within the Empire and received the nominal protection of Rome for their agreement to defend their territories from other outsiders. This contractual relationship between the guests, Burgundians, and hosts, Romans, supposedly provided legal and social equality. However, Drew argues that the property rights and social status of the guests may have given them disproportionate leverage over their hosts. More recently, Henry Sumner Maine argues that the Burgundians exercised "tribe-sovereignty" rather than complete territorial sovereignty.

Gundioc's son, Gundobad (r. 474-516), began commission for his kingdom's legal codification in 483, which his son and successor, Sigismund (r. 516-532) completed. The laws deal mostly with inheritance and monetary compensation for physical injury. The earlier work, *antiquae*, and the later additions, *novellae*, together make the whole Burgundian Code. The Franks began attacking the Burgundians in 523 and completely defeated them by 534, when Sigismund's brother, Godomar (r. 532-534), fled and left the kingdom to be divided amongst Frankish rulers. However, the Franks kept Burgundian law in practice.

Contents of the Lex

The Burgundian Code consists of two sets of laws, the earlier Book of Constitutions or Law of Gundobad, or *Liber Constitutionum sive Lex Gundobada*, and Additional Enactments, or *Constitutiones Extravagantes*. The laws of both parts are intended to govern the personal relations between individuals. The Law of Gundobad (Titles II-XLI) is a compilation of existing customary laws.[9] These laws are mostly a codification of customs that had been accepted as law throughout the tribe through common practice. Drew describes Gundobad's work "as a recording of the customs of his people issued with the consent of the people".[10] The later additions (Titles LXXXVIII-CV and *Constitutiones Extravagantes*), which are believed to have been issued primarily by Sigismund, are more rhetorical. They begin with general legal principles and dictate from the judgment of the king how a disputed situation may be handled.

It is this conflict between customary and statutory law that one sees the blending of Burgundian and Roman laws. Roman influence is apparent in the very act of writing down Germanic customary law. According to Edward Peters in his foreword to Drew's translation of the Burgundian Code, Roman ideals triumphed when King Gundobad began organizing his people's customary laws in order for their codification. King Gundobad's singular action to codify laws can also be seen as a major change in Germanic culture as reflecting the emergence of the king as supreme judge and lawmaker. The Burgundians already had traditions and laws for arbitrating disputes among its people, but Romans brought with them organizational structure for a more centralized government.

A great number of laws deal specifically with Germanic-style monetary retribution for intentional physical harm on one another. Punitive fines, rather than further physical injury or capital punishment, were used to regulate physical injury to prevent blood feud between two members of a tribal kinship. Along with money payments in compensation for physical injuries, the Burgundian Code also incorporates the wergeld, another Germanic institution. Drew defines wergelds as "the sum at which a man was valued and by the payment of which his death could be compensated". The wergeld of the upper class of freemen was worth a payment of 300 solidi, the underclass freeman worth 200 solidi, and the lowest class of freeman was 150 solidi. Drew believes that the family was the absolute most important social institution in Germanic tribes.

Additionally, its inheritance laws were based on Germanic custom. Land was passed down through a strict law of familial succession, which differs greatly from Roman laws on property that allow property to be acquired through ways other than hereditary inheritance, such as buying and selling or testimonial succession. Among other features, a widow was entitled to a life interest in a third of her husband's landed property: this may have been the prototype of the analogous institution of dower in early English law.

If a man betrothed a young woman and her parents later refused, they were liable to return four-fold the bride-price. But if she refused of her own accord, or if the wedding was not celebrated within two years, she could be re-engaged without penalty. If the man broke off the engagement, he got no refund.

The laws of the Burgundians show strong traces of Roman influence. It recognizes the will and attaches great importance to written deeds, but on the other hand, sanctions the judicial duel and the cojuratores (sworn witnesses). The vehement protest made in the 9th century by Agobard, bishop of Lyon, against the *Lex Gundobada* shows that it was still in use at that period. So late as the 10th and even the 11th centuries we find the law of the Burgundians invoked as personal law in Cluny charters, but doubtless these passages refer to accretions of local customs, rather than to actual paragraphs of the ancient code.

LEARNING

In some of the manuscripts of the *Lex Burgundionum*, Gundobad is stated to have published this code of law on 29 March of the second year of his reign (474 or 475). However, there are a number of inconsistencies in this ascription, and L. R. deSalis proposed a restored version of this passage which does not include a date—which would better fit the reign of his son, Sigismund. Although she accepts the strong likelihood that the *Lex Burgundionum* as we have it was the product of Sigismund's reign, Katherine Fisher Drew still argues that a core of this law code is the product of Gundobad or his chancellery.

The letters of bishop Avitus and Cassiodorus provide glimpses of Gundobad's intellectual side. Avitus, a Nicene bishop, answers questions posed by an Arian Christian about religion in several letters, showing a great religious tolerance, and this may be the reason Gregory of Tours later thought he had secretly converted to Nicene Christianity. Cassiodorus' *Variae* includes a group of letters which discuss obtaining and sending a time piece to Gundobad as a diplomatic present.